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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**AXSOME THERAPEUTICS, INC. and ANTECIP  
BIOVENTURES II LLC,**

**Plaintiffs,**

**v.**

**TEVA PHARMACEUTICALS, INC.,**

**Defendant.**

Civil Action No. 23-01695  
(MEF)(LDW)

Civil Action No. 23-23142  
(MEF)(LDW)  
(consolidated)

(Filed Electronically)

**ORDER CONSOLIDATING CASES FOR ALL PURPOSES**

**WHEREAS**, Plaintiffs Axsome Therapeutics, Inc. (“Axsome”) and Antecip Bioventures II LLC (“Antecip” and, collectively with Axsome, “Plaintiffs”), filed Civil Action No. 23-01695 in this Judicial District against Defendant Teva Pharmaceuticals, Inc. (“Teva”) on March 24, 2023;

**WHEREAS**, Plaintiffs filed the related Civil Action No. 23-23142 in this Judicial District against Teva on December 15, 2023;

**WHEREAS**, Teva hereby acknowledges its acceptance of service of the complaint in Civil Action No. 23-23142;

**WHEREAS**, by agreement of the parties, Teva answered the complaint in Civil Action No. 23-23142 on January 18, 2024 (*see* ECF No. 11 in Civil Action No. 23-23142);

**WHEREAS**, Plaintiffs and Teva jointly request that Civil Action Nos. 23-01695 and 23-23142 be consolidated;

**IT IS** on this 23rd day of February, 2024,

**ORDERED** that Civil Action Nos. 23-01695 and 23-23142 (the “Consolidated Actions”) are consolidated for all purposes, including discovery, case management, and trial, subject to further order of the Court;

**IT IS FURTHER ORDERED** that all filings in the Consolidated Actions shall use the above caption on this Order;

**IT IS FURTHER ORDERED** that all filings going forward shall be filed in Civil Action No. 23-01695 and that Civil Action No. 23-23142 shall be administratively terminated by the Clerk’s office;

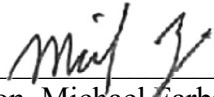
**IT IS FURTHER ORDERED** that the January 19, 2024 Letter Order setting the Initial Conference in Civil Action No. 23-23142 (ECF No. 13) is hereby vacated; and

**IT IS FURTHER ORDERED** that the Consolidated Actions shall proceed on the following amended schedule:

| <u>Event</u>                                                                                                                            | <u>Deadline</u>   |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Plaintiffs’ Answer to Counterclaims<br>(’518, ’706, ’144 Patents Only)                                                                  | February 15, 2024 |
| Plaintiffs’ Disclosure of Asserted Claims under<br>L. Pat. R. 3.6(b)<br>(’518, ’706, ’144 Patents Only)                                 | February 29, 2024 |
| Defendants’ disclosure of Non-Infringement and<br>Invalidity Contentions under L. Pat. R. 3.6(c)-(f)<br>(’518, ’706, ’144 Patents Only) | April 11, 2024    |

| <u>Event</u>                                                                                                                                           | <u>Deadline</u>    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Plaintiffs' disclosure of Infringement Contentions and Responses to Invalidity Contentions under L. Pat. R. 3.6(g)-(i) ('518, '706, '144 Patents Only) | June 17, 2024      |
| Joint exchange of proposed claim terms under L. Pat. R. 4.1 (All Patents)                                                                              | June 28, 2024      |
| Preliminary proposed constructions and identification of intrinsic evidence under L. Pat. R. 4.2(a)-(b) (All Patents)                                  | July 11, 2024      |
| Joint exchange of all intrinsic and extrinsic evidence under L. Pat. R. 4.2(c) (All Patents)                                                           | July 26, 2024      |
| Joint Claim Construction and Prehearing Statement under L. Pat. R. 4.3(a)-(e) (All Patents)                                                            | August 14, 2024    |
| Close of Fact Discovery for Claim Construction (All Patents)                                                                                           | August 29, 2024    |
| Opening Claim Construction Briefs (All Patents)                                                                                                        | September 20, 2024 |
| Close of Expert Discovery for Claim Construction (All Patents)                                                                                         | October 18, 2024   |
| Responsive Claim Construction Briefs (All Patents)                                                                                                     | November 15, 2024  |
| Proposed schedule for <i>Markman</i> hearing due to Court                                                                                              | December 6, 2025   |
| Close of Fact Discovery                                                                                                                                | February 7, 2025   |

SO ORDERED.


  
 Hon. Michael Farbiarz, U.S.D.J.